REMARKS

[0003]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 27-46 are presently pending. Claims amended herein are: 27-46. Claims withdrawn or cancelled herein are: none. New claims added herein are: none.

Formal Request for an Interview

[0004]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0005]   Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Formal Matters

[0006]   This section addresses any formal matters (e.g., objections) raised by the Examiner.

Drawings

[0007]   The Examiner has objected to the Drawing for failing to comply with 37 CFR 1.84(p)(5) for including reference characters not mentioned in the description. Applicant respectfully traverses theses objections.

[0008]   The Examiner has objected to Figure 2 for including the reference number "200". Applicant would respectfully point out that reference number 200 can be found at least at page 5, line 29 of the replacement specification submitted January 4, 2007.

[0009]   The Examiner has objected to Figure 6 for including reference number 608 and 614. Applicant would respectfully point out that references 608 and 614 can be found at least at pages 12 and 13 respectively of the replacement specification submitted January 4, 2007.

[0010]   The Examiner has objected to Figures 8 and 9 for including reference number 816. Applicant respectfully points out that reference number 816 can be found at least at page 14 of the replacement specification submitted January 4, 2007.

Claims

[0011]   The Examiner objects to claims 27-46 for informalities.   Herein, Applicant amends these claims, as shown above, to correct the informalities noted by the Examiner.

Substantive Matters

Claim Rejections under §112 2nd ¶

[0012]   Claims 27-46 are rejected under 35 U.S.C. §112, 2nd ¶. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under §101

[0013]   Claims 27-46 are rejected under 35 U.S.C. §101. In light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable.   Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0014]   Claims 27-46 have been amended to clarify that the computer-implemented Application Programming Interface (API) is encoded upon computer readable storage media. Claims 27-46 have been amended to clarify that the recited components of the APIs have the necessary physical component to constitute a machine or manufacture under § 101. Support for this clarifying element can be found at least within the paragraph starting at line 16 of the replacement specification submitted January 4, 2007.

[0015]   If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under §§ 102 and/or 103

[0016]   Claims 27-31, 34, 36-39 and 42-44 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,062,567 to Benitez. For the reasons set forth below, the Examiner has not shown that cited references anticipate the rejected claims.

[0017]   In addition, the Examiner has rejected claims 32-33, 35, 40-41 and 45-46 under 35 U.S.C. §103(a). Claims 32, 33 and 45 have been rejected as being unpatentable over Benitez in view of U.S. Patent No. 6,496,979 to Chen. Claims 35 and 46 have been rejected as being unpatentable over Benitez in view of U.S. Patent No. 6,931,546 to Kouznetsov and in further view of U.S. Patent Publication No. 200/0104015 to Barzilai. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0018]   Accordingly, Applicant respectfully requests that the §102 and/or §103 rejections be withdrawn and the case be passed along to issuance.

Anticipation Rejections

[0019]   Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.[1] Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.[2]

The Claims

[0020]   **Independent claim 27** recites in part a computer readable storage media encoded with a computer-implemented API to:

> issue a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system;

[0021]   The Examiner indicates (Action, p. 8) Benitez disclosed issuing a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system. The Examiner points specifically to Benitez column 7, lines 7-22. Benitez states specifically:

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[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

[2] See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The invention employs a Client Streaming File System that is used to manage specific application-related file accesses during the execution of an application. For example, there are certain shared library files, e.g., "foo.dll", that need to be installed on the local file system, e.g., "c:\winnt\system32\foo.dll", for the application to execute. Such file names get added to a "spoof database". For the previous example, the spoof database would contain an entry saying that "c:\winnt\system32\foo.dll" is mapped to "z:\word\winnt\system32\foo.dll" where "z:" implies that this file is accessed by the Client Streaming File System. The Client Spoofer will then redirect all accesses to "c:\winnt\system32\foo.dll" to "z:\word\winnt\system32\foo.dll". In this manner, the client system gets the effect of the file being on the local machine whereas in reality the file is streamed from the server. Several different classes of files can be treated in this way, e.g., specific application registry entries and application-based networking calls when such calls cross a firewall.

[0022] No where within the cited portion does Benitez teach the issuing of a query of the install state of the client computing device. Benitez instead discloses a spoof database that creates a pseudo link for the necessary files to execute. Benitez creates links in the spoof database through which the execution of the application takes place. In this way, the client executes the

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application with the effect of the files being streamed from the server. This is different than issuing a query of the client application.

[0023]   In fact, the cited portion of Benitez teaches away from the use of a issuing a query. Benitez assumes that to run some applications will require access to certain shared libraries. Instead of insuring that the libraries are available on the client device, Benitez creates file names that get added to the spoof database. These file names then directly link back to the server. Because Benitez adds these file entries into the spoof database, there would be no motivation to modify Benitez to include the step of querying the client device.

[0024]   Because Benitez does not teach each element of independent claim 27, applicant respectfully requests that the Examiner withdraws the rejection of this claim. Claim 27 is now in proper form for immediate allowance.

<u>Dependent Claims 28-44</u>

[0025]   These claims ultimately depend upon independent claim 27. As discussed above, claim 27 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

<u>Claims 45 and 46 – rejected as being obvious</u>

[0026]   Independent claims 45 and 46 have been rejected as being obvious in light of the cited art. Applicant respectfully traverses these rejections. The cited reference fails to teach or suggest to one of ordinary skill in the art each of

the claimed elements. As such, independent claims 45 and 46 are in proper form for immediate allowance.

[0027]   **Independent claim 45** recites in part a computer readable storage media encoded with a computer-implemented API to:

> issue a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system, wherein the installation of the application is aborted if the platform is not present and error information is returned in conjunction with aborting the installation of the application

[0028]   Again, the Examiner relies upon Benitez as teaching the issue of a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system. (See Action, page 17). As was discussed with relationship to independent claim 27, Benitez does not disclose this element. In fact, Benitez teaches away from the use of a query to determine the install state of the client computing device. As such, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 45.

[0029]   **Independent claim 45** recites in part a computer readable storage media encoded with a computer-implemented API to to:

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issue a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system
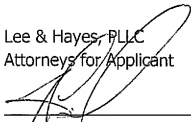
[0030]   Benitez does not teach that the server make a query of the client device to determine the install state.   As such, independent claim 46 is not rendered obvious in light of the cited references.   Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 46.

Conclusion

[0031]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**.   Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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